

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Land Acquisition – Somasila Project – Lands Acquired in Malinenipatnam(v), Atloor (M) –Kadapa District – Award passed – Compensation paid – Application Filed U/S 18 of L.A. Act – Senior Civil Judge, Rajampet enhanced compensation from Rs.300/- to Rs.700/- in LA OP Nos. 204/99 ,206/99,207/99, 210/99 and 211/99 – Appeals dismissed - Sanction of decretal charges – Orders – Issued.

IRRIGATION & CAD (PW-LA-II) DEPARTMENT

GO Rt.No. 403

Dated:05-6-2009.

Read :

1. From The Special Collector, GNSS, Kadapa, Letter No. Ref.No. A1/199/09, dated 1-4-2009

ORDER:

In the reference read above the Special Collector, GNSS, Kadapa while furnishing the copies of award, Lower Court Order opinion of GP and High Court orders has stated that the Special Deputy Collector (L.A.), SSP Unit-IV, Rajampet has reported that the lands in Malinenipatnam (V), Atloor (M) are acquired for submersion under Somasila Project, Awards were passed and compensation was also paid to the Awardees in Award No.12/94 Dt 30-3-1994 aggrieved with the said compensation , some of the Awardees have filed application U/s 18 of L.A. Act with a request to referred their applications to the Civil Court for determination of compensation. These applications were referred to the Sr. Civil Judge Court, Rajampeta for adjudication. The Hon'ble Sr. Civil Judge, Rajampet has pronounced judgment in O.P.Nos. 204/99 , 206/99,207/99,210/99 and 211/99 with an enhancement of 300% over and above on the compensation fixed by the LAO for the lands and trees. Aggrieved the above orders the Special Deputy Collector (LA), SSP Unit-IV, Rajampet has filed appeals in the Hon'ble High Court of A.P., Hyderabad and they were assigned as A.S.No.1368/02 and batch. The claimants have filed cross objections in all appeal cases. The Hon'ble Court has dismissed the appeals filed by the LAO and the cross objections filed by the claimants were allowed and enhanced the compensation from Rs.300/- to Rs.700/- for the trees and for the lands confirmed in A.S.No.1368/02 and batch and cross objections Dt 25-08-08.

2. The Government Pleader for L.A High Court of A.P., Hyderabad in his Letter dated 28-1-2009 has opined that these cases are not fit cases for filing S.L.Ps before the Hon'ble Supreme Court of India, New Delhi. In view of the above, the Special Deputy Collector (LA), SSP Unit-IV, Rajampet has submitted the P.V proposals for approval of the Government as detailed below:

Sl.No	LAOP No.	No. of claimants	Total amount Rs.	Income Tax deduction Rs.	Net amount payable Rs.
1	204/99	17	5666594.00	367930.00	5298664.00
2	206/99	4	5700789.00	393835.00	5306954.00
3	207/99	4	6875116.00	486150.00	6388966.00
4	210/99	4	7667132.00	542155.00	7124977.00
5	211/99	2	8199330.00	579788.00	7619542.00
TOTAL		31	34108961.00	2369858.00	31739103.00

3 The Special Collector, GNSS, Kadapa has recommended the proposals for sanction of Decretal Charges submitted by the Special Deputy Collector (LA), SSP Unit-IV, Rajampet for Rs. 3,17,39,103/- (Rupees Three crores seventeen lakhs thirty nine thousand one hundred and three only) in respect of LAOP Nos. 204/99 , 206/99,207/99,210/99 and 211/99 of Malinenipatnam (V), Atloor (M), Kadapa District

4 Government have examined the matter carefully and hereby sanctioned for an amount of Rs. 3,17,39,103/- (Rupees Three crores seventeen lakhs thirty nine thousand one hundred and three only) towards full / final decretal charges to comply with orders of Hon'ble High Court in A.S.No1368/2002 & batch filed against in respect of LA OP Nos. 204/99, 206/99, 207/99,210/99 and 211/99 of Malinenipatnam (V), Atloor (M) of Kadapa District, subject to verification whether the reference under section 18 of LA Act. Is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that section 18 reference was made contrary to the rules / guidelines issued by Government / CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the extent of Land acquired. Further the Special Collector (LA), GNSS, Kadapa should verify the calculation made by the LAO once again thoroughly with reference to the decree and instructions issued by the Government / CCLA on the subject from time to time before depositing the amount in civil Court duly deducting the income tax as per rules in course.

5 The amount sanctioned in para 4 above shall be debitable to the Head of Account under "4701 -COL on Major and Medium Irrigation; 01 - Major Irrigation (Commercial); MH 112 - Somasila Project; G.H.11 - Normal State Plan; S.H.(26) D&A works; 530 Major works; 532 - Lands (charged)". In case, the available budget provision is not sufficient to meet the proposal requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6 The Special Collector (LA), GNSS, Kadapa shall follow the direction issued by the Hon'ble High Court on 30-4-2007 in W.P.No 2181/2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of LA OP Nos. 204/99 , 206/99,207/99,210/99 and 211/99 of Malinenipatnam (V), Atloor (M), Kadapa District for avoiding intervention of the middle men.

7 The Engineer-in-Chief, TGP, Srikalahasthi, Chittoor / Chief Engineer, Irrigation Projects, Kadapa shall take necessary steps for release of LOC.

8 This order issues with concurrence of Finance (W&P) Dept. vide U.O.No.1484/F7(A2)/2009 dated 30-4-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To.

The Special Collector (LA), GNSS, Kadapa.

The Spl. Chief Secretary to Govt. & CCLA., A.P., Hyderabad.

The Engineer-in-Chief, TGP, Srikalahasthi, Chittoor District.

The Chief Engineer, Irrigation Projects, Kadapa.

The Special Deputy Collector (LA), SSP, Unit-IV, Rajampet, Kadapa District.

The Director of Works and Accounts, Hyderabad.

The Joint Director of Works & Accounts, Kadapa.

Copy to:-

The Finance (Works & Projects) Department

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// FORWARDED :: BY ORDER//

SECTION OFFICER